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ATTORNEY FOR PERITUS PORTFOLIO SERVICES, LLC AS SERVICER FOR MEI, INC.

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

|                                 |   |  |
|---------------------------------|---|--|
| IN RE:                          | § |  |
|                                 | § |  |
| JAMISHA DEWBERRY,               | § | CASE NO. 21-32075-SGJ-13                   |
| DEBTOR.                         | § |  |
|                                 | § |  |
| PERITUS PORTFOLIO SERVICES, LLC | § |  |
| AS SERVICER FOR MEI, INC.,      | § | A Hearing on the Motion for Relief from    |
|                                 | § | the Automatic Stay or, in the Alternative, |
| MOVANT.                         | § | Request for Adequate Protection and        |
|                                 | § | Motion to Terminate the Co-Debtor Stay     |
| VS.                             | § | set:                                       |
|                                 | § |  |
| JAMISHA DEWBERRY                | § | <b>MAY 12, 2022 AT 1:30 PM</b>             |
| AND JEREMY DEWBERRY             | § |  |
| RESPONDENTS.                    | § |  |

**MOTION FOR RELIEF FROM THE AUTOMATIC STAY OR, IN THE  
ALTERNATIVE, REQUEST FOR ADEQUATE PROTECTION AND  
MOTION TO TERMINATE CO-DEBTOR STAY**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

COMES NOW, Peritus Portfolio Services, LLC as servicer for MEI, Inc. ("Peritus"), complaining of Jamisha Dewberry ("Debtor") and Jeremy Dewberry ("Co-Debtor") and for cause of action would respectfully show the Court as follows:

1. This Court has jurisdiction over this proceeding pursuant to 28 U.S.C. § 157 and 11 U.S.C. §§ 362 and 1301. This is a core proceeding.
2. Peritus is a corporation doing business in Texas. Debtor may be served at 10911 Woodmeadow Parkway, No. 1203, Dallas, TX 75228. Co-Debtor may be served at 608 Via Soma, Mesquite, TX 75150.
3. Debtor filed a petition pursuant to Chapter 13 of Title 11 on or about November 22, 2021. An Order for Relief was subsequently entered.

4. Peritus is a secured creditor of the above-referenced Debtor by virtue of a security interest in a 2015 Nissan Altima, Vehicle Identification Number 1N4AL3AP4FN331402.

5. Debtor's Schedules list the vehicle as repossessed, but Debtor's attorney states that the vehicle is in possession of the Debtor's ex husband.

6. As of April 6, 2022, Peritus was owed the net contractual balance of \$9,914.05 with regard to the vehicle. The bi-weekly payments are \$210.00 each. The last payment on this account was received on January 2, 2022. Total arrears as of April 6, 2022 are \$1,322.00.

7. But for the automatic stay, Peritus could and would foreclose its lien on the collateral in which it holds a security interest.

8. Peritus does not have and Debtor is not able to offer adequate protection of Peritus's interest in the collateral securing Peritus's debt.

9. Cause exists to terminate the automatic stay because of Debtor's failure to comply with the requirements of Chapter 13.

10. Further cause may exist to terminate the automatic stay if the vehicle is not properly insured. Peritus hereby demands proof of insurance.

11. The co-debtor stay imposed by 11 U.S.C. § 1301 should be terminated because the Debtor is not current on the payments due to Peritus pursuant to the Chapter 13 Plan, the Co-Debtor may have received consideration for the claim and Peritus's interest would be irreparably harmed by continuation of the co-debtor stay.

12. Because the collateral described herein depreciates and may not be insured, any Order either terminating or conditioning the automatic stay should be effective immediately and there should be no stay of the Order for fourteen days after the entry of the Order.

WHEREFORE, PREMISES CONSIDERED, Peritus Portfolio Services, LLC as servicer for MEI, Inc. prays for:

1. An Order of this Court granting Peritus relief from the automatic stay imposed pursuant to 11 U.S.C. § 362 and relief from the Co-Debtor stay imposed pursuant to 11 U.S.C. § 1301;

2. An Order of this Court authorizing Peritus to take immediate possession of the collateral which is the subject of this Motion and foreclose its lien on the collateral without further notice to the Debtor, the Co-Debtor, the Trustee, or any other party in interest and authorizing Peritus to obtain all writs and other court Orders necessary to obtain possession of its collateral if it is not voluntarily surrendered by Debtor and the Co-Debtor;

3. In the alternative, an Order of this Court requiring Debtor or the Co-Debtor to provide Peritus with adequate protection of its interest in the collateral;

4. An Order of this Court finding that any Order entered with regard to this Motion should be effective immediately upon its entry and should not be stayed for fourteen days following the entry of said Order; and

5. For such other and further relief, both general and specific, to which Peritus may show itself justly entitled.

Respectfully submitted,

/s/ Stephen G. Wilcox

Stephen G. Wilcox

State Bar Number 21454300

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ATTORNEY FOR PERITUS PORTFOLIO  
SERVICES, LLC AS SERVICER FOR MEI,  
INC.

**NOTICE REGARDING REQUIRED ANSWER**

**PURSUANT TO LOCAL BANKRUPTCY RULE 4001-1(b), A RESPONSE IS REQUIRED TO THIS MOTION, OR THE ALLEGATIONS IN THE MOTION MAY BE DEEMED ADMITTED, AND AN ORDER GRANTING THE RELIEF SOUGHT MAY BE ENTERED BY DEFAULT.**

**ANY RESPONSE SHALL BE IN WRITING AND FILED WITH THE CLERK OF THE UNITED STATES BANKRUPTCY COURT AT EARLE CABELL FEDERAL BUILDING, 1100 COMMERCE ST., RM. 1254, DALLAS, TX 75242-1496 BEFORE CLOSE OF BUSINESS ON APRIL 27, 2022, WHICH IS AT LEAST 14 DAYS FROM THE DATE OF SERVICE HEREOF. A COPY SHALL BE SERVED UPON COUNSEL FOR THE MOVING PARTY AND ANY TRUSTEE OR EXAMINER APPOINTED IN THE CASE. ANY RESPONSE SHALL INCLUDE A DETAILED AND COMPREHENSIVE STATEMENT AS TO HOW THE MOVANT CAN BE "ADEQUATELY PROTECTED" IF THE STAY IS TO BE CONTINUED.**

**CERTIFICATE OF CONFERENCE**

I, the undersigned, hereby certify that prior to the filing of this Motion, I did the following: My office contacted Debtor's attorney's office and was advised that the ex-husband has possession of the vehicle and there was no opposition to the Motion.

/s/ Stephen G. Wilcox

Stephen G. Wilcox

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing Motion for Relief from the Automatic Stay or, in the Alternative, Request for Adequate Protection and Motion to Terminate the Co-Debtor Stay was served by FIRST CLASS MAIL, POSTAGE PREPAID on:

Jamisha Dewberry  
10911 Woodmeadow Parkway, No. 1203  
Dallas, TX 75228

Jeremy Dewberry  
1650 John West Rd., No. 1333  
Dallas, TX 75208

and by ELECTRONIC FILING on:

Nicholas Inman  
860 Airport Frwy., Suite 401  
Hurst, TX 76054

Thomas Powers  
105 Decker Ct., Suite 1150  
Irving, TX 75062

Office of the U.S. Trustee  
1100 Commerce, Room 976  
Dallas, Texas 75242

on April 13, 2022.

/s/ Stephen G. Wilcox  
Stephen G. Wilcox

**SUMMARY OF EXHIBITS**

1. Vehicle Retail Instalment Contract dated March 17, 2020 on a 2015 Nissan Altima, Vehicle Identification Number 1N4AL3AP4FN331402.
2. Certificate of Title on a 2015 Nissan Altima, Vehicle Identification Number 1N4AL3AP4FN331402.
3. Affidavit of representative of Peritus Portfolio Services, LLC as servicer for MEI, Inc.

\*Copies of Exhibits are available by written request to:

Kim Raudry  
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P.O. Box 201849  
Arlington, TX 76006  
kraudry@wilcoxlaw.net

8202-00435-543250